

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ELISA MAY MITTELSTAED, et al.,

Plaintiffs,

vs.

STATE OF MONTANA CHILD AND
FAMILY SERVICES DIVISION, et
al.,

Defendants.

CV-22-58-BLG-SPW-TJC

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on March 24, 2025. (Doc. 94). The Magistrate recommended that the State's Motion to Dismiss (Doc. 81) be granted. (Doc. 94 at 2–4).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.

2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

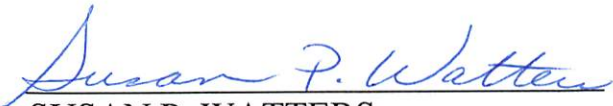
IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 94) are ADOPTED in full.

IT IS ORDERED that as to Plaintiffs' Third Amended Complaint (Doc 80):

1. All § 1983 claims asserted against State Defendants in their official capacities are DISMISSED;
2. Count 5 is DISMISSED; and
3. Counts 2, 3, 4, and 6 are DISMISSED as to Debran Anderson, Brittney Anderson, and Ashlee Walker.

IT IS FURTHER ORDERED that the above-captioned case shall remain referred to United States Judge Cavan who will conduct all necessary hearings and submit to the undersigned proposed findings of fact and recommendations for the disposition of all motions excepted from the Magistrate Judge's jurisdiction by 28 U.S.C. § 636(b)(1)(A).

DATED this 8th day of April, 2025.


SUSAN P. WATTERS
United States District Judge